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BY THE SENATE,

January 7th, 1864.

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MESSAGE

OF THE

GOVERNOR OF MARYLAND

TO THE

GENERAL ASSEMBLY.

JANUARY SESSION, 1864.

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MESSAGE.

Gentlemen of the Senate and
of the House of Delegates:

You have assembled in obidence to the command of the Constitution to consider such subjects as require Legislative action, and looking back upon the time that has intervened since your predecessors in office last assembled, it may be safely affirmed that no similar period simce the foundation of our Government has been crowded with events of such magnitude and importance.

Although these events are sadly calculated to vary the usual tenor of the congratulations with which the Executive has been accustomed to greet the General Assembly at the opening of every Session, and we can no longer, as of old, recur to the peaceful and prosperous career of the country, as evidence of the Almighty's favor; although the reckless ambition of unprincipled politicians instigating a wicked rebellion has involved us in a civil war of frightful extent, compelling a sacrifice of the best and bravest of the nation to maintain its existence, that very war deplorable as it is, has developed elements of national power hitherto scarcely comprehended, and furnished substantial cause of thankfulness to Almighty God and congratulations to each other.

Such a record of the rapid, resolute and successful production from domestic resources, of all the means and material of war, as the history of the last two years exhibits, is not to be found in the annals of any nation, whilst the success with which these materials have been wielded in restoring the power of the Government over State after State of those lately defying its authority, authorizes the hope, that without some abrupt departure from our past policy or misapplication of these abundant resources, the day is not distant when we shall witness such a restoration in them all.

If the history of the last two years affords us in its connection with the progress and prospects of the nation, such cause

of congratulation and hope, it furnishes a restrospect not less cheering as we recur to the position which our own State then assumed and has continued so steadfastly to maintain.

The temptations to a contrary course were such as few others were required to encounter, and made the more formidable by the artful arrangement and exaggerations of them covertly prepared and most adroitly presented. These temptations were made to present strong appeals to personal feelings and private interests ; they appealed to our kindred institutions ; they appealed to our social ties and personal sympathies, and they appealed to our intimate commercial relations, but discarding or sundering them all, our State, upon the first opportunity, declared her adhesion to the Union, and in spite of ordeals to which none others have been subject, she cleaves to it to-day with an enduring affection that is indissoluble.

The condition of the country growing out of the existing war, and the new interest and obligations of the State resulting therefrom, devolve upon you additional duties that will demand your prompt and constant attention. In view of this important increase of the ordinary subjects of Legislation, and of the limited term of your session, I may be permitted to remind you of, and caution you against a practice which has too frequently prevailed, of postponing until the latter days of the Session, subjects of a paramount public importance, whilst questions of a local and subordinate interest are suffered chiefly to engross the earliest attention. An opposite course would not only afford an opportunity for the proper consideration of important measures such as they seldom enjoy, but would contribute to your own comfort and convenience by relieving the close of your term of much of that accumulated burden of important bills, that scarcely leaves any alternative but to pass them without the proper consideration or not pass them at all.

THE FINANCE OF THE STATE.

The Report of the Comptroller of the Treasury, with its details of the State Finances, presents such an exhibit of the condition of that Depatment as is calculated to afford great satisfaction. Before, however, advertising these details, a reference to some subjects connected with them will enable you the better to understand them. By an Act of Congress, approved August 5th, 1861, imposing an annual direct tax upon the several States to aid in support of the war, the amount assigned to this State, as its annual quota, was $436,823,33, from which fifteen per cent. was to be deducted in case the State assumed and promptly paid the Tax. The Legislature of 1862 assumed the payment of this Tax, and to provide for

it punctually, the Act of 1862, Chapter 143, was passed, which authorized the Governor, Comptroller and Treasurer to unite in inviting proposals for a loan to an amount not exceeding two and a half millions of dollars—one half of which was reserved for investment of the increments of the Sinking Fund, and the residue, or as much as might be required, was to be offered for subscription outside the Treasury.

Although that Department exhibited early in the Summer of 1862, such indications of an improved condition as to warrant the belief that but a small portion, if any of the authorized Loan would be required, yet the importance of providing for the prompt payment of that Tax at the appointed time to save the proposed discount, induced the officers above mentioned, to advertise for a small portion of it. Stock therefore to the amount of $170,000, known as the "Maryland Defence Loan" was issued, which being all disposed of at a premium realized to the Treasury the sum of $173,587.75.

This Stock as directed by the Act authorizing it, was redeemable at the pleasure of the State, and in a few months after its issue it became manifest that the Treasury from its own resources, and without even the use of the increments of the Sinking fund, would be able to meet the payment of the National Tax, and that no Loans for such purpose, were necessary, and such as had been negotiated might be safely repaid.

Although the stock was upon its face redeemable at the pleasure of the State, it was a question whether, without some Legislative Act expressive of that pleasure, the State Officers, who had negotiated the Loan, had the right, and without the consent of the holder, to redeem it by payment of the amount due upon its face with the interest accrued. Rather than pay interest until the next Session of the Legislature upon a sum not required by the Treasury, I concurred in the propriety of that Department offering to pay back to the holders of the Loan, the amount of premium which they had paid on it, which proposal they accepted, and the whole amount of that stock was consequently redeemed on these terms, costing the State only the interest thereon for the few months of its existence. The nett amount of the National Tax therefore due from the State for 1862, and which was $371,299.83, was paid into the Treasury of the United States before the 30th of June of that year, and without making any addition whatever to the debt of the State.

The Total Receipts of the Treasury for the year ending

30th of September 1861, were	$ 960,813.08
30th of September 1862, were	1,823,563.87
30th of September 1863, were	1,870,105.72

The Total Disbursements for the year ending	
30th of September 1861, were	$1,046,356.41
30th of September 1862, were	1,546,859.10
30th of September 1863, were	1,286,327.44

For the purpose, however, of a fair comparison of the receipts and disbursements of these several years, we must deduct from the aggregate of receipts, such sums as accrued from extraordinary sources of revenue in the two latter years, and which did not exist in 1861, and on the other hand from the aggregate of Disbursements in the same years such sums as were expended in consequence of war appropriations, and in payment of the public debt, and did not come within the scope of any similar disbursements in 1861.

To reduce the above aggregates by these means to the proceeeds of the ordinary sources of income common to the three years, we must deduct from the receipts of 1862, the sum of $173,587.75, received on the Loan aforesaid of that year, and the further sum of $200,000, the amount realized during the same year, according to the Comptroller's estimate from the increase in the rate of direct tax; and we must in like manner deduct from the receipts of 1863, the sum of $433,030.33, being the proceeds of the same increase received in the last mentioned year.

So from the disbursements of 1862, we must deduct $55,000, paid to the families of Volunteers and the Union Relief Association, and the further sum of $371,299.83, the nett amount paid the General Government for that year's tax; and from the disbursements of 1863, we must deduct the sum of $332,645.50, paid for the redemption of State Stocks during that year, and on which account no disbursements were made in 1861 or 1862. The Receipts and Disbursements for said three years thus reduced to the Receipts and Disbursements on ordinary account present the following results:

Beceipts for 1861,	$ 960,813.08
Receipts for 1862,	1,449,976.12
Receipts for 1863,	1,437,075.39
Disbursements for 1861,	$1,046,356.41
Disbursements for 1862,	1,120,559.27
Disbursements for 1863,	953,681.91

I have not deducted from the Disbursements of 1862, as perhaps properly should be done for the purpose of the above comparison, the large amounts paid that year on account of arrearages of appropriations made in 1861, and laid over for

want of funds ; nor anything on account of the additional disbursements made necessary by the regular session of the Legislature occurring in 1862. It will be seen from the aforegoing, however, that the receipts of the Treasury in 1862 from ordinary sources were increased to amount of nearly half a million of dollars, over receipts of preceding year, and that increase was maintained within a comparatively trifling amount for the year 1863, whilst the disbursements on ordinary account in last mentioned year—to say nothing of the large amount paid for exchange on transmitting abroad the interest on public debt, amounting to upwards of $90,000—were less than in either of the preceding years.

The gratifying result of all the Treasury operations is that at the end of the fiscal year 1863—with no new debt contracted—with more than $100,000 of the old extinguished, and upwards of $371,000 paid the General Government, there is a balance on hand of more than a million of dollars, exclusive of the cash to the credit of the Sinking and the School Funds.

Whilst various circumstances have of course concurred in producing these gratifying exhibits of the state of the Treasury, I cannot suffer the occasion to pass without giving the credit so justly due to the ability which has distinguished the management of that Department, whilst under the direction of the present Comptroller. The intelligence, assiduity, and patient industry with which he has discharged his arduous and responsible duties, the strict accountability to which he has held all receivers of public moneys, and the vigilance and fidelity with which he has guarded every public interest committed to him, would have secured the successful administration of any office, but have been invaluable to such a Department as has been for the last two years under his control.

You will perceive, by adverting to the tables which accompany the Comptroller's report, that whilst the apparent debt of the State on the 30th of September last, was $14,793,742.-51, yet, under the system pursued of annually investing the accruing interest of the Sinking Fund in the bonds of the State, that Fund is at present the holder of upwards of half that portion of said debt, for which the State is required to provide interest ; for deducting from the above amount of apparent debt the sum of $3,269,321.11, the interest on which is provided by the Baltimore and Ohio Railroad Company, and the whole debt of the State, on which she is in fact required to pay interest, is reduced to the sum of $11,524,421.-40 ; and of this there was held by the Sinking Fund, on the 30th of September last, the sum of $5,649,656.83, and other bonds to the amount of $144,423.39, have been purchased on

account of that fund since that day, making the present amount held by the Sinking Fund, $5,794,080.22, or more than a moiety of the interest bearing debt of the State.

It is for you to determine whether under these circumstances it is advisable to still treat this as a part of the actual debt of the State and annually to provide by taxes and other means for the payment of the interest thereon. The original object of that fund would seem to be sufficiently secured when such an amount of it is left as to ensure by means of its own accretions, and other provisions for its increase, the redemption of the outstanding public debt as fast as it matures. But that fund has now reached such an amount as not only far to exceed the necessities for such a purpose, but seriously to embarras the operations of the Treasury. The annual interest now accruing on it, amounts to upwards of $347,000, and is of course continually increasing, and it is besides still further increased by the addition of such sums from the surplus revenues of the Treasury, as the Comptroller and Treasurer may deem expedient. The aggregate of these investments is required to be investedin the State's own bonds, which for the most part can only be purchased abroad, and the rates of exchange have become so high, that such investments can only be acquired here upon very disadvantageous terms. The situation and amount of the fund present also a serious difficulty in purchasing at fair rates such of our bonds as may be found in the domestic market; for their holders being well aware of the fact that a large amount is in the Treasury awaiting investments, which are restricted to this particular security, will invariably avail themselves of that circumstance, and a temporary increase in the market value of the bonds is the inevitable result. The consequence of this state of things has been that, during the past year, large amounts of cash to the credit of the Sinking Fund, or the general balance of the Treasury, have remained there unproductive for the want of opportunity to invest them. For these reasons I concur in the recommendation of the Comptroller that a portion—say two-thirds of the State bonds now held by that fund be cancelled, and as regards future investments of the interest of that fund, or of surplus revenue for its account, I would recommend that some discretion be allowed to the officers of the Treasury, by suffering them to purchase, not only the bonds of the State, but Government securities or the stocks of other States. The safety of such operations might, as it seems to me, be secured against all reasonable apprehensions, by making the concurrence of the Comptroller and Treasurer necessary to such purchases or requiring also the assent of the Executive. The knowledge

that a discretion of that kind existed would tend to secure a uniform value in the stock of the State, by avoiding that temporary inflation consequent upon large cash balances in the Treasury confined to such investments.

COLLECTION OF STATE TAXES.

A Statement in the Comptroller's Report for 1862, in reference to the mode of appointment and qualification of the Collector of State Taxes in the City of Baltimore, renders some provivion on your part for the better security and the more prompt collection of such Taxes apparently necessary, and is suggestive of some alteration in the mode of collecting such Taxes throughout the State.

The authorities of that city, in common with those of the counties, are empowered to appoint the Collectors of State Tax, and are required to levy upon the property of the city, a sufficient amount to pay the expense of that collection. In providing for the exercise of this power, they have, as appears by the Report referred to, prescribed by a city ordinance an annual salary of two thousand dollars, as the compensation to the Collector, who for that amount, is required to collect the Taxes due as well to the city as the State. They have also by the same ordinance, prescribed the penalty of the bond which such Collector shall give and fixed the same at the sum of $75,000, making it payable to *the city of Baltimore.* Both these Municipal provisions tend injuriously to affect the interests and impair the security of the State in that very material part of her resources derived from the Taxes payable in that city, and are, as it seems to me, obviously in conflict with the terms and spirit of the law of the State.

The only certain mode of securing a prompt performance of duty on the part of any Collector, is to make the amount of his compensation dependent upon the amount collected, and such was the manifest design of the 75th Section of the 81st Article of the Code, when "to secure a speedy collection of said Taxes," it provides that the city and county authorities shall annually levy "a commission not exceeding ten per centum, on the amount to be placed in the hands of such Collectors for collection.

But the advantage intended to be secured by this clause is entirely lost when the Collector's compensation is commuted to a fixed salary, and the consequence is not only a large arrearage of Taxes at the end of the year, and the necessity of making other provision for its collection, but the probability that a large part of it may be ultimately lost.

The terms prescribed by the ordinance referred to in regard to the penalty of the bond, and in making the city its obligee are still more obnoxious to objection, as being in direct conflict with the laws of the State which expressly require that such a bond shall be given *to the State of Maryland*, and in a penalty "double the amount of the Tax to be collected."

You will readily perceive how inadequate is the penalty prescribed by the city ordinance, of $75,000, when the amount of State Taxes placed in that Collector's hands for 1863, was upwards of $300,000, and the City Taxes to be collected by him, in the same year, probably three times that amount.

It might at first appear that some remedy for this could be found under the 38th and 39th Sections of the 81st Article of the Code, by which the Governor is authorized to appoint a Collector of State Taxes in any county or the city of Baltimore, where the local authorities fail by a given day to make such appointment. But when such appointment is reported, if it were even competent for the Executive to look beyond that report and on ascertainment of such facts as above suggested, to appoint another Collector, the expediency of such a course would be very questionable, and could scarcely be defended in view of the conflict of authority, such a proceeding would necessarily occasion, and the suspension of all collections of so important a part of the State's revenue, until such a controversy could be determined. I thought it better, therefore, to acquiesce in an arrangement made by the Comptroller with the Collector of Taxes for the time being, by which the amount of his collections should be at short intervals, deposited by him to the credit of the State. Whilst, therefore, I am not apprehensive of any loss to the State, from the amount actually collected, so far as the present Collector in that city is concerned, you will agree with me that the State should not be left to the security furnished only by the integrity of the individual officer, and that safeguards should be immediately provided against the contingency of such losses in the future.

The character of the danger to which I have referred, is calculated to call attention to what seems to me to be a radical defect in the mode of appointment of such Collectors throughout the State, and to suggest the propriety of so shaping the remedy required in the particular case referred to, as to change, at the same time the system of appointment of such officers heretofore pursued. These Collectors, are as already mentioned, now appointed by the local authorities of the counties and said city. In some counties one Collector only, and in others several are appointed, and their bonds and se-

curities are subject only to the approval of these county and city officers. There is, therefore, a manifest want of that privity which should exist between such Collectors and the State, and of the control which the Treasury Department should possess over such officers of the revenue. Whilst the County Commissioners and the Tax Court of the city should still be required to levy upon their respective communities the necessary compensation for such Collectors, that compensation should be in the shape of commissions upon the amount collected, and the rate of it should be fixed by the State law.

The local authorities should still be required to furnish, as they now do, the necessary lists of property and tax payers to the Collectors ; but these Collectors should be appointed by the officers of the Treasury Department, and their bonds made subject to their approval. I submit these suggestions for your consideration as an outline of the modifications which the present system seems to require ; modifications which, in themselves, I believe to be just and appropriate, and better calculated than any other that occur to me, to obviate the evil of the particular proceeding to which the Comptroller has called attention, and avoid all conflict between the State and Municipal authorities.

REPEAL OR MODIFICATION OF DIRECT TAX LAW.

The prosperous condition of the Treasury as exhibited by its balance on hand and estimate of future receipts, considered in connection with the suggestions made for cancelling part of the State debt held by the Sinking Fund, naturally awakens the hope that the time is at length at hand when all direct taxation may be dispensed with. Under ordinary circumstances, I should certainly take that view of the subject and would not hesitate to recommend the immediate and total repeal of the Direct Tax Laws ; but with such a war as we have now on hand and with such demands as must be still made upon the men and money of the country to render certain its preservation, with the unqualified determination of the loyal masses of the State to meet to the utmost their full share of such demands, we should observe a proper caution in the too sudden curtailment of our present resources, and be willing to endure for a while longer, the burden of taxation rather than jeopardize results we have so much at heart, or fall short of our just contributions towards them. I am satisfied however, that with an economical use of the means we can now command and by seduously avoiding those unessential or experimental appropriations into which a Treasury balance is so apt to tempt us, we may without hazarding the prompt payment of any of our ordinary obligations or failing

to meet any just demands upon us, growing out of the exigencies of the times, safely reduce the rate of the State tax to what it was before its increase by the act of 1862. Such a reduction I would, therefore, recommend—but should, under the circumstances regard the total repeal of the Tax as injudicious. We must bear in mind that although we were not in the past year, nor will be in this, required to pay our quota of the National Tax imposed by Congress in 1861, and the imposition of which was the chief cause for the increase of the State Tax by the act of 1862, yet the National Tax has not been entirely repealed; but is only suspended for the present by the Internal Revenue Act, "until the first day of April, 1865, *when the same shall be in full force and effect.*"

PROVISION FOR VOLUNTEERS, &c.

One of the first subjects that will claim your attention, and which will present strong appeals to your liberality will be a provision for the soldiers of the State who are now or may hereafter be engaged in the service of the country. We who remain at home, surrounded by its comforts, and with our ordinary avocations in most cases scarcely interrupted by the casualties of the war, are hardly prepared to estimate, as we ought, the value of the services which these soldiers render, or to realize the extent of the privations they endure.

Our State has thus far done but little towards paying for these services or providing for these wants; several of the counties of the State have raised and paid bounties to some of our Volunteers and legislation will be necessary on your part to enable the local authorities of these counties to levy the amount thereof upon the property of their citizens; but a more important obligation rests upon you of adding to these county offerings others on behalf of the State.

The manner in which the amount you may think proper to appropriate for such a purpose can be best employed, is a question of much interest and importance.

I can see several objections to the plan heretofore most usually adopted of paying a round sum to a Volunteer, as an inducement to enlist. Bounties in that shape, offered as they generally have been, chiefly with the view of reducing the quota of an expected draft, are not only frequently squandered and afford but little permanent relief either to the recruit or his family, but the Government in many instances receives but slender service from such recruits, who having received all that they are to expect in the way of addition to their usual pay, are left without that stimulus to future exertion which a different disposition of that bounty might secure.

The same amount of money paid in a different manner might, as it seems to me, be much more advantageously employed.

Let us suppose that we are required to raise a given number of soldiers by a certain day, or that ortherwise they will be drafted, and that we have a sum of money to disburse which will enable us on reasonable calculations, by paying a certain bounty in advance to each Volunteer, to provide one-half the number required. Will it be better to do so and then let the draft proceed for the residue, or—awaiting the draft, to then disburse among the helpless and the destitute, whether they volunteer or are drafted, the amount we have to give? By the first plan, although the aggregate of the draft may be reduced fifty per cent., yet the residue still required, must be made up from all classes alike, and all consequently will be alike benefitted by the bounties thus advanced. The rich and the poor, the man with no family and the man with a large one, the rebellious and the loyal will, by the first plan share alike in the benefit of the bounty; whereas by withholding our disbursements until the Volunteer or drafted man is mustered into service, and then by a just discrimination dispensing what we have to give among the dependent, the destitute and the worthy, and paying it then, not in a single sum, but in liberal monthly provisions graduated according to the soldier's necessities or the size of his family, we are not only making the best use of our money by distributing it among those only who really need it, but are securing the fidelity of the soldier himself by paying him in these monthly allowances only so long as he continues to discharge his duty.

Another reason that would seem to favor such a distribution as I have indicated is that it will better enable us to embrace in our appropriation the case of men already in the service, whose pecuniary condition may as much require such assistance as those now just called upon to serve, and who, coming in, as we have reason to hope, at the eleventh hour of this Rebellion, should not be more liberally dealt with than those who have endured the heat and burden of the day.

Great caution will be required in disbursing a fund upon the principle suggested, to secure its faithful payment and impartial distribution, the details of which I leave to your sound judgment and discretion.

I would also recommend that a small appropriation be made for the purchase and presentation, on behalf of the State, of Regimental Flags to such of her Regiments as have borne or shall hereafter bear a distinguished part in any of the battles of the war. There are several, as I am pleased to know, who have already earned that distinction, and a slight token of

this kind, on the part of their State would, I think, have a happy effect in stimulating the efforts of them all.

Having frequently received applications on behalf of our sick and wounded soldiers confined in different hospitals, and who, on various accounts, sought some interposition or relief which could only be effectually rendered by personal attention, I appointed, in March last, Sebastian F. Streeter, Esq., of Baltimore, an agent to take such cases in charge.

Mr. Streeter very generously offered to discharge the duties of such an office without compensation, on being paid his necessary expenses. These expenses, which have been very moderate, have so far been paid out of the Executive Contingent Fund.

A copy of the letter notifying the Agent of his appointment, together with a report recently received of his proceedings, which are herewith submitted, will enable you the better to understand the duties that such an Agent is expected to discharge. Daily experience convinces me of the necessity for his employment; but scattered as our sick and wounded are among Hospitals in different States, it cannot be expected that any one can effectually attend to their wants without some compensation, and I wonld, therefore, recommend that an adequate provision be made for that purpose which will establish such an Agency upon a more permanent and effective basis.

A part of the battle-field of Gettysburg has been purchased by the authorities of Pennsylvania, and recently consecrated as a Cemetery for the Union soldiers who fell on that memorable field. At the request of those authorities, I recently appointed Col. John S. Berry, a Commissioner to cousult with similar Commissioners from other States, and to arrange for the completion of that Cemetery, and for the apportionment of its cost among the States interested. The estimate of that cost, and the manner of its apportionment, are set forth in a report of their proceedings herewith communicated and commended to your favor. It will bring to your attention the necessity of some provision on the part of this State towards defraying her share of the expenses connected with that patriotic purpose. It is only necessary, I know, to make this suggestion to secure upon your part all that is required. It is not merely that Maryland's dead, in common with those of her loyal sisters, sleep on that battle ground, or that the Regiments to which they belonged distinguished themselves by a gallantry worthy of the occasion, but the obligation upon us is one of a National character, your share of which you would not, I am sure, hesitate to discharge, though our citizens had

escaped entirely the casualties of that conflict. We have so far been seldom able to pause in the fearful struggle engaging our attention to pay the proper funeral honors to those who have fallen therein. They still, in most cases, occupy the shallow graves which were all that the exigencies of the battle would allow, or—a sight more melancholy still—the victims of disease and wounds repose side by side around all our Hospital sites, where the rough stake and mouldering turf denote their last resting place; but however they may have fallen or wherever they may rest, you, I know, will not fail to appreciate such sacrifices, or to embrace every occasion to honor the memory of the men who thus perishing to preserve their country, have earned a place in its history beside those who, in our Revolutionary era, died to create it.

PUBLIC EDUCATION.

I trust that during your present session, time enough may be spared from your other duties, to ensure the proper consideration of one that yields to none in the importance of the interests it involves. The subject of some uniform and efficient State system of public education has, on various occasions, I believe, been brought to the notice of former Legislatures, but probably because such systems are comparatively slow in their operations, and the benefits resulting from them not immediately palpable, but requiring time for their full development, their consideration has not heretofore commanded that prompt attention which their intrinsic importance deserves. No enterprise, however, in which a State can engage, is so certain of profitable and permanent results as well directed efforts in such a cause. The want of some such proper system in the southern portion of our country has, in my opinion, in a great measure led to the calamities it is now enduring; for however we may speculate as to the pretended or actual cause of the Rebellion, the influence of unscrupulous leaders over the masses of the people was the immediate cause of its successful outbreak.

The uneducated, and in many instances the grossly ignorant condition of a large portion of these masses gave to that influence a power it could never otherwise have acquired, and the penalty of the neglect which tolerated that condition is now being fearfully paid. A reference to the last census returns in that section of the country discloses the startling fact that on an average about nineteen per centum, or nearly one-fifth of the whole white adult population of the States that embarked in this rebellion, could not read or write. Although our own proportion of such a class is not above half of this, it is still far greater than it should be, and compares unfa-

vorably with that of other States who have taken this subject properly in hand.

We have, it is true, in the several counties of the State, something in the shape of a public school system; in scarcely any two of them, however, does the same system prevail. In some of them School Commissioners are elected by the people, in some they are appointed by the Orphans' Court, in others by the County Commissioners, and in others again these Courts or Commissioners perform such duties themselves. In some a stated annual amount is levied for school purposes, in others a fixed per centum on the property of the county, and in others again the tax payers themselves determine what ought to be levied. There is great reason to fear that beyond the receipt and distribution of the School Fund received from the State, there is in many of the counties but a very languid administration of this important interest. The very want of uniformity in the mode of that administration is not only in itself a most objectionable feature, but betokens, as it seems to me, an erroneous principle at the base of the system, in implying, as it does, that each county is alone interested in the educational condition of its own community.

Whilst the management of its subordinate details should be properly left to the local communities, the State herself should exercise such a general control over the subject by some efficient and uniform system as will protect the public interest from the consequences of any neglect on the part of any subordinate member.

I will only venture to suggest an outline for such a system which, however, I feel warranted in recommending to you after consultation with those who have given the subject their studious attention.

A General Superintendent should be appointed to assume the entire supervision of the Schools of the State, and of the subject of public education, at such a salary as will secure the services of a proper individual, who, besides the general supervision it will be his duty to exercise, may acquire such a knowledge of the wants and practical working of any system in operation, and impart such information to the Legislature at each session as will enable that Body to improve and perfect it. The want of such an officer is seriously felt in the schools of the State, and his appointment should be secured whether the entire perfection of a plan is now accomplished or not. School Commissioners in every county and the city of Baltimore should be selected in some uniform manner, by some of the county authorities, who should take charge of the county schools, consult with and report to the General Super-

intendent; and who, if they thought proper, might appoint a local Superintendent for their several counties.

Schools of different grades should be established, adapted to different ages and requiring teachers of different capacities, and so arranged that pupils from one might be admitted to higher ones upon terms calculated to secure attention to and progress in their studies. An account should be taken of the number of children of teachable age in each county, and a tax imposed upon its inhabitants sufficient, with its share of the State fund, to defray all school expenses. An act embodying some such general provisions would, in my opinion, form the judicious foundation of a plan of education that, with the experience of a few years and the suggestions it would furnish, and by the use of every proper occasion to increase the school fund of the State, might be easily reared into an Institution the most valuable that the State could establish.

In connection with this subject of education, it is my duty to direct your attention to an Act of Congress approved July 2d, 1862, donating public lands to such States as may provide colleges for the benefit of agriculture and the mechanic arts.

By this Act, a liberal provision is made for securing out of the public lands of the United States a perpetual fund, the income of which is to be devoted to the endowment, support and maintenance of at least one collegiate institution whose course of instruction shall be chiefly directed to such branches of education as relate more particularly to agricultural and mechanical pursuits.

The Act grants to the several States who signify their assent to its provisions by some legislative act passed before the second day of July next, a quantity of public land equal to thirty thousand acres for each Senator and Representative in Congress to which such State is entitled by the apportionment under the last census, and according to which this State would be entitled to 210,000 acres. Scrip will be issued for this land upon the State's assenting to the terms of the grant, and the assignees to whom the State may sell and transfer such scrip, may—although by the terms of the Act the State itself cannot—locate the same upon any of the unappropriated land of the United States.

The chief obligation which the acceptance by you of the terms of the Act imposes upon the State will be to invest the proceeds of the sale of such scrip in Government or other safe securities; and if any portion of the fund so invested or its interest shall be lost, to make it good out of the moneys of the State; to devote the interest of the fund exclusively to the objects prescribed by the Act, and to pay all the expenses

incurred in the management and the disbursement of the moneys which the sale of said scrip may realize. Other conditions of minor importance are attached to the acceptance of the grant, with all of which you will doubtless make yourselves acquainted by an inspection of the Act itself. I presume you will have no difficulty in signifying your acceptance of it. I would also recommend that you at the same time make provision for the sale and transfer of the scrip, and by limiting its sale to some minimum price, or requiring the concurrence of different State officers to effectuate its transfer, guard as far as possible against its sacrifice.

In providing for the agricultural and mechanical instruction which this fund will enable us to secure, an opportunity will be furnished of combining therewith the rudiments of a military education which, as a mere method of scholastic discipline, has for some time past been gradually commending itself to public favor, and becomes in times like these a necessary element of public education.

THE MILITIA, &c.

The present condition of our Militia Laws, and the necessity for some immediate and thorough revision of them, will, I hope, attract your early and careful attention. These laws, the result of the legislation of various years, more recently brought together in the Code, present so intricate a mass of rules and regulations that they have come to be regarded, as if by common consent, as little more than a dead letter, and to repeal them all and substitute some simple, intelligible and efficient system is obviously the only plan to be now pursued. As a consequence of this condition of the law, connected possibly with the military organizations called into the service of the General Government, and which have engrossed public attention, and absorbed all other military associations, we are at present almost without any organized militia. Mindful of that admonition of our Constitution that "a well regulated militia is the proper and natural defence of a free government," and reminded as we have been more than once in the past year that our situation constantly exposes us to invasions and raids that we should be the first to repel, we should lose no time in restoring and reorganizing this important element of State power.

The enrollment of the State militia directed by the General Government in 1862, and made then by officers whom I appointed for that purpose, will afford the means of putting immediately into operation any system of organization that you may adopt. That enrollment embraced the names of 95,442 citizens between the ages of 18 and 45, and after deducting

all exemptions granted for physical disability and other causes recognized by the State law, there were left 57,558 men subject to military duty.

I would recommend that besides such encouragement of volunteer militia as the Constitution suggests, you should take some immediate measures for the organization of the force thus enrolled, and in doing so, I am inclined to think that the arrangement might be simplified, and the object in view more speedily attained, if you provided in the first instance, except in the city of Baltimore, merely for company and regimental organizations; and omitting any combination of counties for the purpose of brigade formations, and fostering by all proper means county organizations, either in companies, battalions or regiments, according to the number of their enrolled men, you would avoid to a great extent the sinecures into which militia officers have so frequently subsided, build up a more effective home force in each county, and should circumstances at any time render the brigading of such forces necessary, some authority to that end, dependent upon such contingency, might be vested in the Commander-in-Chief.

In reorganizing the militia you should, I think, so amend the oath heretofore administered to its officers as to secure, as far as it is possible by such means, the fidelity of those to whom such a trust is committed. We have in late years witnessed so many instances of men who had repeatedly sworn to support the Constitution of the United States, and with that oath fresh upon their lips taking up arms for its destruction, that some form of oath containing a more specific pledge of fidelity would seem to be necessary, and should be required not only from the military but the civil officers of the State.

The Act of 1861, Chapter 79, which repealed several sections of the Code upon the subject of State arms has deprived the Executive of all the power previously possessed for their collection and recovery. Many arms heretofore delivered to military companies, have for want of such authority probably been lost, and I recommend the immediate repeal of said repealing Act.

THE PUBLIC WORKS.

The Internal Improvement Companies in which the State holds an interest reckoned as a part of its productive capital, have generally met their obligations by the payment of the amounts due from them.

The Northern Central Railroad Company, which was, by Act of 1854, required to secure to the State the payment of an annuity of $90,000, has fully discharged that duty, and at the close of the last fiscal year owed no arrearages.

The Baltimore and Ohio Railroad Company, although it has not to my knowledge made any late report of its last year's operations, yet in their results as shown by the amounts paid into the Treasury, has furnished the most gratifying evidence of its success, and of the continuance of that able and energetic management which has so long distinguished it. Notwithstanding the serious and frequent interruptions suffered in the business of the company, by reason of the repeated destruction of large portions of its road by the Rebel Army, it has paid into the Treasury during the last fiscal year, two dividends of three per cent. each on the stock in the main stem of the road, and two other dividends of four and a half per cent. each on the stock in the Washington branch, and on account of capitation tax on passengers over that branch it has paid the sum of $207,540.51, making its aggregate of payments into the Treasury for that year $310,512.51, and conclusively showing that besides the incalculable benefits which the trade and commerce of our State derive from its operations, and its essential importance to the Government as one of the most important auxiliaries in military movements, that the State's interest therein, considered merely in a pecuniary point of view, is one of its most remunerative investments.

The bonds of the State to the amount of one million of dollars issued on account of the Susquehanna and Tide Water Canal Companies, will become due and payable at the pleasure of the State, on the 1st of January, 1865, and the obligations of these Companies to pay the State the amount of these bonds with interest and exchange, became due on the first of January instant.

By an adjustment made between the Comptroller of the Treasury and the Representatives of these Companies on the 1st of January, 1862, under the Act of 1860, Chapter 372, there appears to be a balance of interest and exchange due from said companies, as of 1st of January, 1860, of $183,701.-74. Since then, payments have been made by said companies increasing each year in amount, and in the last year amounting to $90,000; the aggregate, however, for the last four years, probably not much exceeding the current interest and exchange, and in that case not reducing the amount due at the time of said statement of accounts. The principal having now become due, I deem it proper to call the subject to your attention.

The Comptroller in his report to me in 1862, refers to the situation of the Maryland and Delaware Railroad, and to representations in reference to it rendering it difficult for him to determine the propriety of further payments by him on its account.

It is also said that this company has executed to some of its individual creditors a mortgage under which they claim priority to the mortgage given to secure the State's interest on the amount of its subscription, and which would seem to be inconsistent with the terms and spirit of the Act by which that subscription was authorized. I, therefore, submit these subjects to your consideration for such action or investigation as you may think they require.

I would also commend to your attention the facts stated in the Comptroller's Report for 1863, in reference to the affairs of the Annapolis and Elk Ridge Rail Road Company and the relations between it and the Treasury Department. It appears that the Act of 1841, Chapter 168, authorising the issue of bonds by that company in payment of its debts has been so construed that the interest on these bonds, and the considerable part of the principal have been paid not out of the profits of that company, nor out of any thing that the State has ever received from it, but from the revenues of the State derived from other sources, and whilst nothing whatever was paid by that company into the Treasury.

Whatever ambiguity there may be in said Act of Assembly or whatever authority for such a construction—looking merely to the words it employs—that construction seems to be so manifestly inconsistent with the spirit and purpose of the Act itself, and of all the legislation regulating the relations between that company and the Treasury, to say nothing of the apparant injustice of it, that some declaratory act would seem to be obviously necessary, or at all events that such action should be had as may secure a Judicial interpretation of the Act in question.

INSPECTIONS.

An Act of the Legislature, passed at the Session of 1860, remoddled the entire system of Tobacco Inspections, requiring the election on the joint ballot of the Senate and House of Delegates of three Commissioners who were annually to lease the State Tobacco Warehouses in the City of Baltimore and exercise a general Superintendence over Tobacco Inspections and the public interests connected therewith.

The provisions of that Act are now all that the Code contains upon that subject; for some reason, however, the Commissioners authorized by it have never been appointed by the Legislature, and no such lease of the Tobacco Warehouses has consequently ever been made, and the most of the other provisions of the Act, connected as they were with the appointment of these Commissioners and the execution of said lease have therefore been entirely inoperative. I found in

January 1862 Tobacco Inspectors in office and discharging their duties according to the law as it existed before the passage of the Act referred to, and as a matter of necessity they have continued to act chiefly in accordance with said antecedent law at this time.

Your early attention to this subject is therefore obviously necessary, either in executing the Act of 1860, restoring the previous law or providing a new one, and to confirm the proceedings of the Inspectors for the last four years so far as they have been governed by a law that apparently has no present existence.

I would recommend also some modification in the law providing for the Inspection of Grain. That law allows in certain cases the option to the grain owner or his agent to sell his grain without inspection or weighing by the State Inspectors, which privilege, as I am informed, has led to the introduction of a class of grain weighers having no connection whatever with the State, and who act independently of the Inspectors appointed by it. If there be a necessity for the inspection or weighing of grain at all, and it is deemed advisable that the same should be made under the supervision of State officers, it should be like all other inspections *exclusively* under their direction; and to permit others to engage in the same business without the authority of or any responsibility to the State, not only deprives it of the revenue which such an inspection would otherwise yield, but is calculated to defeat the chief object of the inspection itself.

In consequence of these two classes of inspectors or weighers thus at present employed, the Grain Inspection instead of yielding a considerable revenue to the State does not afford enough to remunerate the Inspector.

I would, therefore, advise either that the law requiring the inspection and weighing of grain be repealed altogether, or that it be otherwise so modified as to require all grain coming to market, except when brought in small lots by wagon, etc., to be weighed and inspected exclusively by the officers whom the State appoints.

CHARITABLE INSTITUTIONS.

The Managers of the House of Refuge who by their charter are required to make an annual report to the General Assembly—that body not being in session in January 1863—filed at that time their report for the previous year in this Department, and it is herewith submitted. This Institution continues to grow in favor with the people of the State, and has in all respects fulfilled the expectations of its founders. The amount of the annual appropriation, which for the last three

years it has received from the State, would scarcely seem to be commensurate with the importance of the public interest it is calculated to secure.

It was founded, and has been I believe, to a great extent supported by individual munificence, but the character and extent of the benefits it confers upon the community, entitle it to a support that should place it beyond such dependence.

The increase in the cost of nearly all the necessaries of life of late, must add considerably to the amount of its expenses, as it adds also another reason for a liberal contribution to its support. I would, therefore, recommend that the appropriation hitherto made on its account be continued, and think that it might be very advantageously increased.

Extracts from the Executive records, which accompany this Message, will inform you of the number, names, etc., of the beneficiaries at present supported by the State in several Institutions devoted to the instruction of the deaf, dumb and blind, and of the amounts expended on their behalf in 1862 and 1863.

A letter from the President of one of these Institutions—the Pennsylvania Institute for Deaf and Dumb—calls attention to the costs of the support of pupils therein, and to the necessity growing out of the increase in the cost of food and clothing for a correspondent increase in the annual charge for a pupil's support.

That charge was consequently raised from $160 to $180 per annum on the 1st of March last, but being limited to the former sum by the present law of the State, some action on your part is necessary to authorize me to pay the increased amount. It would seem to be but a reasonable addition to the previous price and is being paid for the beneficiaries of other States.

I would, therefore, recommend the passage of an Act authorizing this increased allowance, and also the payment of the sum of $84, the amount of the difference in the two rates of charge accrued on account of our beneficiaries since the time when that increase took place.

In this connection I would call your attention to the difference in the rate of payment allowed on account of the blind, and that on account of the deaf and dumb. I can perceive no good reason for such a difference, and would recommend that it be equalized by authorizing an increased allowance in the rate for the latter class which might however be still so limited as not to exceed the amount paid for similar beneficiaries by other States.

A communication from the "Northern Home for Friendless Children," a benevolent Institution in Philadelphia calls attention to the fact that a number of its inmates are indentured as apprentices to citizens of Maryland, and that legislation upon your part is desirable to recognize the validity of such indentures and to give to them the like effect with those made between parties residents of this State. I submit herewith a copy of that communication and commend it to your attention.

The commissioners to superintend the building of the new hospital for the insane whose appointment was authorized by the Legislature at its last session, were appointed shortly after its adjournment, and I had hoped to receive in time for this communication a report of the present condition of that work, and an estimate of the amount necessary to complete it. The recent death however of one of the members of that board who acted as its Secretary, has probably delayed that report; it will doubtless be soon received by you. I am informed that no part of the hospital has been yet completed, although the whole of it is considerably advanced. That part of former appropriations unexpended at the time of the appointment of the present commissioners has been disbursed by them in payment of debts previously contracted, and in the protection of the building against the damage to which it was liable from its unfinished condition.

The want of this Institution has long been very seriously felt, and I would earnestly recommend that you appropriate an amount sufficient to complete it and put it in operation as soon as the expected report shall furnish you with the information necessary for that purpose.

The Trustees of the Sheppard Asylum, filed in this Department as required by the Charter, in January, 1863, a report showing the condition of that corporation, with an account of its receipts and disbursements for the previous year, a copy of which is herewith sent. The report for the last year is not yet received, but will be laid before you whenever it is.

MARYLAND PENITENTIARY.

The report of the Directors of the Penitentiary for 1863 has not yet reached me, that for 1862 is herewith transmitted, and the other will no doubt be very shortly laid before you. I am enabled, however, to say from information received, that the financial embarrassments which have so long crippled the operations of that Institution, and caused such frequent appeals to the Treasury for its releaf are about, as I hope, to disappear.

Under the prudent and economical administration of the present board it will be seen by their reports for 1862, that notwithstanding the increased cost of most of their articles of consumption, the expenses of the Institution for that year were diminished by upwards of $1,000. I am informed that the Institution at the close of the last year was out of debt, and has a balance to its credit of nearly three thousand dollars. This result has been chiefly attained by a change in its system of labor, and instead of manufacturing on its own account hiring its inmates to contractors at fixed prices.

The change has been already found most beneficial to the interests of the Institution, and there is every reason to believe that when it is more thoroughly inaugurated, it will enable the establishment hereafter to support itself. The successful operation of the new system will require, as I am told, some additional work shops, and I would recommend that the Directors may be allowed to use the balance on hand for that purpose instead of paying it into the Treasury of the State as they are at present required to do. To expedite the building of the new shops required and facilitate thereby the operations of the new system, it would, I think, be advisable to make a small additional appropriation, the necessary amount of which will probably be indicated in the forthcoming report of the Directors.

The necessity of making some provision for insane inmates of the Penitentiary has frequently been brought to the attention of former Legislatures. According to the last information received on this subject, there were lately confined there some seven or eight individuals of this description, who from considerations of humanity as well as for the interests of the Institution should be disposed of in some other manner.

The law makes provision for parties who, when on trial for an offence are found by the Jury to be insane or lunatic, by ordering them to be sent to the Alms House of the county where the offence was committed, and there would seem to be no reason why, on the suggestion of Officers of the Penitentiary, that persons in that condition are there confined, some neighboring court might not be authorized to order a Jury to enquire into that fact, and on their verdict or advice, make a similar disposition of them. Until the Hospital for the insane is completed, I can suggest no better remedy for the existing evil and would, therefore, recommend the passage of an act to that effect.

CONSTITUTIONAL CONVENTION.

I would now call to your attention a subject which, although among the last submitted, stands prominently forth among the first in importance.

The question of a Convention to revise the Constitution of the State is, at all times one of deep interest to its citizens, and is just now enhanced by considerations, which, in my opinion, require you to dispose of the subject by early action, and in a spirit of calm, dispassionate and unprejudiced deliberation.

The first point involved in its consideration is one of Constitutional power. It has been supposed by some that inasmuch as the Constitution provides that the question of its amendment shall be submitted to the people by the Legislature which assembles first after the taking of each census, that such question can be submitted at no other time and by no other body, and that the last Legislature having failed to perform that Constitutional duty, it cannot be discharged by the present. The error of such a theory is in failing to discriminate between a question of *duty* and one of *right;* for though the duty imposed by the Constitution of submitting the subject of its amendment to the people at stated times, attaches only to the Legislature immediately succeeding the returns of the census, yet the right of submitting such a question and providing for such a Convention belongs as undoubtedly to you as it did to your immediate predecessors or to any preceding Legislature. Were this not the case it would be in the power of every Constitutional Convention to make the work of its hands practically unalterable, by requiring the question of its revision to be submitted to the people at such long intervals of time as would amount in effect to its indefinite postponement.

But it is next objected that if the present Legislature does possess this power, it can only be exercised in the precise manner prescribed by the 11th Article of the Constitution and that you can, therefore, only submit the question to the people at the general election of 1865.

If the right to exercise this power upon your part, was conferred only by that Article, such a conclusion would be undoubtedly correct; but such is not the case; in submitting the question at this time to the people you are not exercising any authority derived from the Article referred to, but are simply asserting a right which exists independently of that Article, which would belong to you if the Constitution had contained no such provision, and which still belongs to you as that instrument, though requiring such questions to be submitted at stated times, yet contains nothing that prohibits their submission at any other time.

It has again been by some supposed that the 43d Article of the Declaration of Rights, which declares "that this Constitu-

tion shall not be altered, changed or abolished, except in the manner herein prescribed and directed," is a limitation upon your authority which obliges you to conform to the precise requirements of the 11th Article aforesaid. If this were so and this clause of the Bill of Rights could be construed as referring to *time* as well as manner, it would oblige you to postpone the subject altogether until after the taking of the next census. This, as I have attempted to show, is not the case, nor is there any thing in this clause of the Bill of Rights warranting such an inference or restricting the popular vote either to the general election succeeding the promulgation of each census or to any other general election. It is a mere declaration that the Constitution shall only be amended "*in the manner*," and not at the *time* "prescribed and directed," and this requisition is fully met when the Constitution is altered by a Convention of the people, assembled in pursuance of the voice of the people indicated at an election held for that purpose.

The manner in which our former Constitution was changed was, as we all remember, apparently in decided conflict with the provision it contained for its own amendment; certainly far more so than is presented by the objection last noticed.

It was by that Constitution expressly declared that it should only be changed or abolished by the Acts of two successive Legislatures in a manner particularly specified, yet it was entirely abrogated by the action of a Convention.

These views manifestly accord with the construction of the Constitution made by the Legislature of 1858, which by an Act passed at that session, and of course before the time prescribed by the Constitution, ordered a special election for the purpose of taking the sense of the people on a similar question, and made provision for a Convention in case the people should decide in favor of it; the majority, however, at that election being against a Convention that body never assembled.

Assuming therefore that you have the Constitutional power to provide for taking the sense of the people on this subject at a special election, and for such Convention in case their vote be in favor of it, the next question for your determination is whether such a course is at this time expedient.

Although, as I have already said, the same Constitutional obligation does not rest upon you that did upon your predecessors, it nevertheless would seem to be in some respects your duty to provide as far as possible against the consequences of their failure. The people had the right under the Constitution to pass upon the subject of a Convention at the general election of 1863, and if they have not been permitted

to enjoy that right, it is I think the more incumbent upon you not only to provide for submitting to them that question but to appoint such a time for the purpose as will ensure its early decision.

In regard to the particular changes required in our organic law, it might not, perhaps, under ordinary circumstances, be either necessary or proper to offer suggestions; these being considerations rather for the Convention than for the Legislature or the Executive; yet as bearing upon the enquiry of the expediency of a Convention at this time, there is one subject of such vital importance, engrossing such general attention, and apparently absorbing all other considerations connected with the call of that Convention that to omit allusion to it might appear like an indifference which I am far from feeling or a desire to avoid an expression of opinion that is quite as far from my purpose.

I have the less reason for withholding any such opinion, as it has undergone no change, and is such as I have frequently heretofore expressed. I believe to-day, as I have done for years, that if we had long ago provided for the gradual emancipation of the slaves of the State, we should now be, as regards all the material elements of public prosperity, far in advance of our present position.

The products of our State and its natural resources are not such as are adapted to or can be developed by slave labor. I am satisfied that the people of the State in their moments of calm and deliberate reflection long since came to the same conclusion, and that their convictions on that subject would have led them thirty years ago to such legislation as would have made us long since a free State, but for the unauthorized and officious interference of those outside the State who undertook to dictate a policy that properly belonged to ourselves alone. This foreign interposition not only checked our early attempts at emancipation, but by the reaction—always the certain result of ultraism of any kind—led to the introduction of that extraordinary restriction in our present Constitution, which, whilst we are free to act on all other subjects, forbids all attempts to abolish slavery. It was undoubtedly wrong to have suffered the mere feeling engendered by these fanatic efforts to influence our action upon a subject involving public interests of such magnitude and importance.

In legislating upon such questions we should be cautious at all times to allow no merely passional considerations to sway or shape our proceedings, and you will, I trust, guard yourselves against such influences now, and though you may doubtless still find in modern radicalism quite as much to

offend and provoke as existed at any former period, you will nevertheless address yourselves, I hope, to the task before you, uninfluenced by any considerations but a regard to the future welfare and advancement of our State. It is probable that even in times past, such influences as I have mentioned would never have given the direction they did to our policy on this subject, but that those conspiring leaders at the South even then looking to a dissolution of the Union, lost no opportunity in promoting that treasonable purpose and by their artful appeals to those passions already excited by the causes mentioned, succeeded in imposing an interdict upon emancipation in Maryland which their recent proceedings beyond anything else have now effectually removed. When they lifted their hands against the Union and pointed to slavery as the Institution upon which their visionary Republic was to rest, they struck a blow at its very vitals in every Border State, under which it has continued to languish and which must inevitably result in its ullimate destruction.

It becomes us therefore, to whom the whole question rightfully belongs to take immediate measures for its removal, and which should be no longer delayed than may be required by a proper respect for those industrial pursuits with which the Institution has been so long and so intimately interwoven, and a humane regard for the slave himself which forbids us to cast him all unprepared for so great a change, too suddenly upon his feeble resources.

SLAVE ENLISTMENTS.

I feel it to be my duty in this connection to call to your attention a subject, which for some time past, has greatly agitated and alarmed the people in several of the counties of the State, and caused many complaints and appeals to me for interposition by some of the best and most faithful of our citizens. About four months since recruiting officers for the first time made their appearance among the slave population of the State with the avowed purpose of enlisting in the military service all colored persons of the required age and condition who would present themselves. No orders from the Head Quarters of the Army, authorizing such a proceeding had been made known and no rules seemed to exist establishing any certain course of proceeding. The recruiting officer exercised apparently an arbitrary discretion, stripping some neighborhoods and leaving others untouched, taking frequently the slaves of owners, whose loyalty had been never questioned, in some cases when these owners were themselves absent in the Army or Navy struggling against the enemy, and leaving those of others, whose want of loyalty was equally notorious. They frequently took, not only such as were fit

for the service, but many others who were entirely unfit, and who when brought to the Rendezvous in another part of the State were turned adrift and in most cases lost both to the Government and their owners.

I complained of these proceedings to the President of the United States, and was informed that no orders upon the subject had then been given, and that it was under consideration. After the lapse of a month, the practice still continuing, no order relating to it yet appearing, and continued complaints from loyal owners still reaching me, I addressed a written communication to the President remonstrating against the practice and invoking his interposition.

This led to another conference with him and the Secretrry of War, the result of which, as I thought, was the suspension of the practice, until an opportunity could be offered to the owners to voluntarily offer their slaves to the Government at a certain rate of compensation, and to meet by that means its supposed necessities. But the suspension did not take place and the practice still continued with as little system as ever on the part of the recruiting officers.

You will readily perceive the gist of the objection which our loyal citizens made to these proceedings. It is not so much that they object to colored troops, for they are ready and willing to see every one, be his color what it may, who is subject to military duty, arrayed against this Rebellion. It is not that they object to the surrender of their property to any extent that may be necessary to strengthen the arm of the Government in the conflict in which it is engaged. They admit, that when a proper emergency exists, if it cannot be otherwise met their property may be impressed for that purpose ; but if such an emergency does exist they claim not only that they shall be paid for property so seized without unreasonable delay, but that its impressment shall be so guarded as to embrace all alike, and to avoid the wanton or useless removal of it, and that such proceedings shall not be conducted according to the arbitrary whim of every subaltern who, by carrying off those evidently unfit for service, proves that the augmentation of the Army is frequently the least of his considerations.

If slaves are persons subject, within the provision of the Acts of Congress, to military duty, these Acts have prescribed the mode of enforcing that duty ; they should be then enrolled and drafted as others are, but they have not been so enrolled simply because they have not been made subject to that duty, as reference to the conscript law will show. If then they are subject to seizure, it is only as property, and to meet an

emergency, and then their seizure or their enlistment should not be by the arbitrary process noticed, but governed by some such fixed rule as would make all alike subject to the burden and allow no discrimination either as between individuals or loyal States.

I know not that you possess any power in the premises, but I feel bound to lay the subject before you with a statement of the course I have felt it to be my duty to pursue, and that you may be more fully possessed thereof, I herewith transmit a copy of my letter to the President on the subject to which I have referred.

One of the conditions upon which compensation has been promised to the owners of slaves enlisted in the service is that a deed of manumission shall be executed as a preliminary to its payment. To enable the owner to comply with that condition, I recommend the immediate repeal of the 42d Section of the 66th Article of the Code which prohibits such manumission.

MILITARY INTERFERENCE WITH ELECTIONS.

I avail myself of this occasion to advert to certain events connected with our recent election which deserve your most serious consideration.

It would be much more agreeable to me to avoid all allusion to them; I cannot however do so, consistently with my sense of what is due to the rights and honor of the State, to the office which by the favor of its citizens I occupy, or—I may with sincerity add—to the cause of the Union itself, in my opinion, so intimately blended with the cause of the Law and Constitution, that any outrage inflicted, and especially in its name, upon them, necessarily to some extent recoils upon it.

A few days before that election a military order was issued from the Army Head Quarters at Baltimore which in effect placed the polls under the surveillance and at the command of the military authority.

I was the less prepared for any such order from the fact that though in frequent personal communication with the military authorities of the Department, I had received no intimation whatever of such a proceeding or of any supposed necessity for it. In that part of the State against which the movement seemed to be more particularly directed, (the Eastern Shore,) there would seem to have been less necessity, as there certainly was less semblance of authority than elsewhere; for whilst Martial Law had been proclaimed upon the Western Shore of the State in June last, and had not been repealed up

to the day of election, upon the Eastern Shore it had never been proclaimed at all.

You will be furnished with a copy of this order and it is not necessary further to recite it than to state in general terms that it was to be executed by the military, aided by the Provost Marshals. They were to arrest voters whom they might consider disloyal approaching or hanging about the polls; a prescribed form of an oath was furnished, without taking which, no one, if challenged, could vote; and the several commanding officers were charged to report to Head Quarters any Judge of Election who should refuse to administer that oath or to aid in carrying out that order. The President modified the first part of the order on the Monday preceding the election, but even that modification seemed to receive no attention from those entrusted with its execution, and was in some instances openly disregarded.

Prominent among the Provost Marshals to whom the execution of this order was in part committed were several who were themselves candidates for important offices.

These Marshals appointed for the purpose of the militia enrollment and draft were placed by the law creating them under the control of the Provost Marshal General, but to ensure the right to employ them about this election order, special authority was obtained from Washington to place them for the time being under the orders of the military authorities.

If with these facts before me, and seeing the Judges of election, sworn to conduct it according to the laws of the State, openly menaced with arrest unless they recognized the military authority and conducted it by the rules which that authority prescribed, I had stood silently by and failed to assure them of the protection of the State to the extent of its ability, I should have felt myself utterly unworthy of the place of its Chief Magistrate.

I therefore on the Monday evening preceding the election issued a Proclamation giving them this assurance, a copy of which is herewith submitted.

Before the following morning, military orders were sent to the Eastern Shore, directing its circulation to be suppressed, the public papers were forbidden to publish it, and an embargo laid on all the steamers in port trading with that part of the State lest they might carry it.

An attempt has been made to justify the military order upon the ground that its only purpose was to exclude disloyal voters who had by their conduct justly forfeited their fran-

chise. An examination of the oath, however, which it prescribed, will show that even had it emanated from undoubted authority it could accomplish no such end.

No matter what had been the conduct of the voter, there was nothing in the oath calculated to exclude him; it had no reference to his past conduct, and every traitor who had left the State and had but just returned from the Rebel Army, might have taken it with impunity. It contained only a promise for future good behaviour—a promise which as a very slight atonement, many a Rebel sympathizer might and doubtless did very readily make, whilst the loyal citizen who had stood always faithful to his allegiance, would feel justly indignant at having his loyalty challenged, or being required to give any guarantee for his future conduct, or to enable him to exercise a privilege he had never forfeited.

How far it accomplished the purpose claimed for it, or how far my anticipations of the consequences of the order and the abuses to which it would lead were realized, will appear by a brief reference to some of the transactions connected with its execution. These abuses commenced even before the opening of the polls. On the day preceding the election, the officer in command of the Regiment which had been distributed among the counties of the Eastern Shore, and who had himself landed in Kent county, commenced his operations by arresting and sending across the Bay some ten or more of the most estimable and distinguished of its citizens, including several of the most steadfast and uncompromising loyalists of the Shore. The jail of the county was entered, the jailor seized, imprisoned and afterwards sent to Baltimore, and prisoners confined therein under indictment were set at liberty. The commanding officer referred to gave the first clue to the character of the disloyalty against which he considered himself as particularly commissioned by printing and publishing a Proclamation in which, referring to the election to take place next day, he invited all the truly loyal to avail themselves of that opportunity and establish their loyalty "by giving a full and ardent support to the whole Government ticket upon the Platform adopted by the Union League Convention," declaring that "none other is recognized by the Federal authorities as loyal or worthy of support of any one who desires the peace and restoration of the Union."

To secure the election of that ticket seemed to be the business to which he and his officers especially devoted themselves throughout the day of election. In the statements and certificates which have been forwarded to me from different counties in that Congressional District, I have been furnished, I

presume, with an account of part only of the outrages to which their citizens were subjected. The "Government Ticket" above referred to was in several, if not all of these counties, designated by its color, it was a yellow ticket, and armed with that, a voter could safely run the gauntlet of the sabres and carbines that guarded the entrance to the polls, and known sympathizers with the Rebellion were, as certified to me, allowed to vote unquestioned, if they would vote that ticket, whilst loyal and respected citizens, ready to take the oath, were turned back by the officers in charge without even allowing them to approach the polls.

In one district, as appears by certificate from the Judge, the military officer took his stand at the polls before they were opened, declaring that none but "the yellow ticket" should be voted, and excluded all others throughout the day. In another district a similar officer caused every ballot offered to be examined, and unless it was the favored one, the voter was required to take the oath and not otherwise; and in another again, after one vote only had been given, the polls were closed, the Judges all arrested and sent out of the county, and military occupation taken of the town.

But I will not detain you with a recapitulation of all the abuses that these statements disclose. I have caused copies of them to be transmitted to you and they cannot fail to arrest your attention. They present a humiliating record such as I had never supposed we should be called upon to read in any State, still less in a loyal one like this. Unless it be indeed a fallacy to suppose that any rights whatever remain to such a State, or that any line whatever marks the limit of Federal power, a bolder stride across that line that power never made even in a Rebel State than it did here on the fourth of last November.

A part of the Army which a generous people had supplied for a very different purpose, was on that day engaged in stifling the freedom of election in a faithful State, intimidating its sworn officers, violating the Constitutional rights of its loyal citizens, and obstructing the usual channels of communication between them and their Executive.

If I have deprecated such proceedings, I have been actuated in so doing scarcely more by the sense of what was due to the Laws and Constitution of the State, than by a regard for the safety and success of the Union and the maintenance of that popular respect for and confidence in its constituted authorities so important to the triumph of the great cause they have in charge. The moral influence of such sentiments is worth, to those administering the Government far more

than any results of an election where such proceedings are tolerated. But notwithstanding their occurrence, I trust and believe, they will never cause you to forget your duty to your country, cool your ardent devotion to the Union, lead you to feel the slightest sympathy with those who have assailed it, or to seek a fellowship with them that do.

Maj. Gen. Dix when in command of this Department, at the time of the election in 1861, and when too Rebellion was backed by its organized supporters in our very midst, took the true and statesmanlike view of the policy proper for such an occasion, when in directing his Provost Marshal he said, that whilst there was no difficulty in controlling Maryland by force, that this was not what was wanted, but that we wished to control it by the power of opinion, and that to satisfy the country that the people were on our side, we must leave them to an unbiassed expression of their wishes. They were left to that unbiassed expression, and such was its character, that I had supposed no one would still require evidence of their loyalty.

Gen. Dix was even appealed to by some of the Judges of Election to authorize an oath to voters of doubtful loyalty, and although it appears from the tenor of his reply that the oath suggested was nothing more than an oath to support the Constitution of the United States, he refused to order it, saying to them among other things, "*the Constitution and Laws of Maryland provide for the exercise of the elective franchise by regulations with which I have no right to interfere.*"

A copy of this letter dated November 1st, 1861, and addressed to the Judge of an Election District of Carroll county is herewith communicated and commended to your attention.

Had the Department Commander who issued the recent order taken the same view of his duty, it would, in my opinion, have been a fortunate conclusion of his military administration, which had been previously distinguished by marked ability and success.

So far, however, as concerns those more immediately connected with the preparation of that order, it will doubtless appear, should its unwritten history be ever published, that the Commanding General deserved less censure than those who instigated it, and to whose influence he probably yielded the more readily, as such instigations came partly from our own citizens. Such a consideration, however, is by no means calculated to diminish the danger of such a precedent. If men interested in accomplishing certain political results, can by any influence enlist in their behalf, such a tremendous in-

strument of power as was here employed, no election will probably ever occur in which the same means will not be again attempted.

You will perceive by several of the communications I have received on this subject, that I have been appealed to to withhold commissions or certificates of election in districts where these abuses were practiced. I possess, however, no such power. My duty in the premises being simply a ministerial one consequent upon the official returns of the Judges of Election. So frequent were the applications to me to this effect, that I deemed it a proper subject for legal advice and having consulted the Hon. Reverdy Johnson, he forwarded to me a written opinion, sustaining the views I had entertained, and a copy of which is herewith furnished.

It becomes you to consider whether there is any remedy within your power, by which such proceedings may be in any degree restrained.

The Constitution declares that all elections shall be by ballot, and I would earnestly recommend that you secure the benefit of that provision by an effectual prohibition of all such marks upon the ballot as are calculated to expose its contents or to distinguish one ballot from another. If by the use of colored paper or other means of designation, such exposure is effected the whole object of the Coustitutional requirement is defeated.

Again, if that provision of our law which has so long existed and been so universally considered as one of the safeguards of free elections, which forbids the mustering of armed troops in the neighborhood of the polls be indeed no longer admissible or appropriate to our condition, it should be repealed, otherwise you will see the propriety of adopting some provision which shall, if possible, cause it to be respected. It might probably be accomplished by requiring the Judges of Election to certify in their return that no military or other armed force had appeared at the place of voting or interfered in the election and making such certificate a condition to any Executive action thereon.

MISCELLANEOUS.

Copies of Resolutions adopted by the Legislatures of several States and forwarded to this Department, are herewith trasmitted.

I would call your attention to the case of Myers *vs.* the State of Pennsylvania, which has been for several years pending in the Supreme Court of the United States.

Myers, a citizen of Maryland, who, under the authority of their owner had arrested certain fugitive slaves from this State found in Pennsylvania, was afterwards himself arrested and indicted in that State for that act. The authorities of Maryland very properly assumed the defence of Myers and appointed Jonathan Meredith, Esq., of Baltimore, as his counsel. Mr. Meredith defended him in the State Court of Pennsylvania, and Myers being convicted, his counsel sued out a writ of error and the case was brought into the Supreme Court to test the Constitutionality of the Pennsylvania Statute. Myers, though convicted, was released upon his own recognizance, and never called up for sentence, nor is there any reason to apprehend he ever will be.

The case in the Supreme Court has never been argued, and looking to the convulsions in which our country is involved, their character and tendency, and the diminished interest we at present possess in such questions as this appeal to the Supreme Court was designed to determine, the policy of a further continuance of that controversy and the continued agitation of the issues involved in it, would seem at least to be very questionable. I submit the subject for your consideration, recommending, however, that whatever action you may think proper to take, that the compensation of the counsel employed in the case should no longer be postponed. He tried the case several years since in Pennsylvania, and has made preparation to argue it in the Supreme Court, and it is due to him and to the State that an appropriation should be made for the payment of his fees.

The accounts of the disbursements from the Executive Contingent Fund, and from the appropriation for repairs and furniture of Government House, expended during the years of 1862 and 1863, have been prepared and with the vouchers relating thereto are ready to be submitted to you. I respectfully request that you will appoint a committee to inspect the same.

Some repairs and alterations about the public buildings were so obviously necessary that I have ventured to have them made.

The house formerly used for storage of fuel, which was only an open shed, had fallen to pieces and a new one was indispensable. I have, therefore, caused a new brick one to be erected, having, after inviting proposals from several, accepted the lowest offer, and the building has been lately finished in conformity to the agreement, and I recommend an appropriation to amount of the contract price.

The want of more Committee Rooms for accommodation of

the Committees of the two Houses, was a complaint very generally made during the last Session of the Legislature, and some act, providing for them, I believe, passed the House of Delegates, but was too late for the action of the Senate. The Speaker of the last House who was familiar with the plan then in contemplation, kindly came to Annapolis and conferred with me on the subject a short time since, and assisted by his suggestions, I engaged the builder under whose direction the last alterations in the public buildings here were made, to do the necessary work. He has very lately completed it, and has converted the room under the Library into four comfortable Committee Rooms and a Room for a Post Office. The alteration will, I hope, meet your approbation and contribute to your convenience. I recommend an appropriation for the cost of it.

The necessity for other repairs about the State House will attract your attention. The outside of the building, and especially its roof and dome stand much in need of paint. The venerable edifice should by no means be neglected—it is, as it well may be, an object of great regard, not only to the residents of the Ancient City, but the people of the State. You will, I hope, do whatever is necessary to keep it in complete repair, that it may be long preserved to shelter many a future Assembly, bearing aloft to the last the same FLAG that floats from its summit to-day.

A. W. BRADFORD.

EXECUTIVE DEPARTMENT,
January 6th, 1864.